

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

PLAINTIFF'S NOTICE OF APPEAL

PLEASE TAKE NOTICE that Plaintiff Pride Transportation (“Plaintiff”) hereby appeals to the United States Court of Appeals for the Fifth Circuit from the Order Directing Entry of Rule 54(b) Partial Judgment and Staying and Administratively Closing Remainder of Case (Document 192), as well as the Rule 54(b) Partial Final Judgment (Document 193), both signed August 17, 2011, by the Hon. Terry R. Means, Judge of the United States District Court for the Northern District of Texas, Fort Worth Division, and entered on the docket the same day. Plaintiff perfects this appeal pursuant to 28 U.S.C. § 1291 and tenders the filing fee required by Rule 3(e) of the Federal Rules of Appellate Procedure.¹

The parties to the Order and Judgment appealed from, and the names and address of their respective counsel, are listed below:

¹ Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, Plaintiff filed its motion to alter or amend this Court's Rule 54(b) Partial Final Judgment on September 14, 2011, respectfully urging this Court to alter or amend its rulings on Defendants' motion for summary judgment because of manifest error of law and fact. Although the District Court has yet to rule on this Motion, Plaintiff perfects this appeal in an abundance of caution.

PARTY	COUNSEL
Plaintiff: Pride Transportation	<p>Mr. R. Brent Cooper brent.cooper@cooperscully.com Mr. Timothy M. Dortch micah.dortch@cooperscully.com Cooper & Scully, P.C. 900 Jackson, Suite 100 Dallas, Texas 75202</p> <p>Ms. Barbara K. Berrett bberrett@berrettandtaylor.com Mr. Mark D. Taylor mtaylor@berrettandtaylor.com Berrett & Taylor, L.C. 405 S. Main, Suite 1050 Salt Lake City, Utah 84111</p>
Defendant: Continental Casualty Company	<p>Mr. David H. Timmins dtimmins@gardere.com Mr. Colin G. Martin cmartin@gardere.com Mr. Jeremy A. Williams jwilliams@gardere.com Ms. Karen A. Piotrowski kpiotrowski@gardere.com Gardere Wynne Sewell 1601 Elm Street, Suite 3000 Dallas, Texas 75270-4761</p>
Defendant: Lexington Insurance Company	<p>Mr. Edward A. Davis edavis@hdbdk.com Hartline, Dacus, Barger, Dreyer & Kern, L.L.P. 6688 N. Central Expressway, Suite 1000 Dallas, Texas 75206</p> <p>Mr. Chester Makowski makowski@pkmtexas.com Mr. C. Scott Kinzel kinzel@pkmtexas.com Plavnicky, Kinzel & Makowski, L.L.P. 5300 Memorial Drive, Suite 675 Houston, Texas 77007</p>

Respectfully submitted,

COOPER & SCULLY, P.C.

By: /s/ R Brent Cooper

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I do hereby certify that, on the 16th day of September, 2011, I served a true and correct copy of this Notice upon the counsel listed below via the Court's CM/ECF system, in compliance with the Federal Rules of Civil Procedure:

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